

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4627 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- SC/ST District- Sitamarhi

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1. SANJAY KUMAR @ SANJAY KUMAR SAH S/o Ram Babu Sah R/o village- Verma, P.S.- Choraut, District- Sitamarhi
 2. Ravi Shankar Kumar Sah @ Shankar Kumar S/o Ram Babu Sah R/o village- Verma, P.S.- Choraut, District- Sitamarhi
 3. Veena Devi W/o Ram Babu Sah R/o village- Verma, P.S.- Choraut, District- Sitamarhi
 4. Ram Kumari D/o Ram Babu Sah R/o village- Verma, P.S.- Choraut, District- Sitamarhi

... .. Appellants.

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Krishna Murari
For the State	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Amrit Abhijat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-07-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.10.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with SC/ST P.S. Case No. 04/2021 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have assaulted the informant and abused him in his caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties and both sides have sustained simple injury. There is inordinate delay of twenty days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.04/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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